



COMDTINST 10360.4A
21 AUG 1991

COMMANDANT INSTRUCTION 10360.4A

Subj: Volatile Organic Compounds (VOC) Regulations Governing VOC Emissions and Solvent Content in Paints, Coatings, Solvents, Adhesives and Cleaners.

Ref: (a)Coatings and Color Manual, COMDTINST M10360.3 (series)

1. PURPOSE. This instruction provides Coast Guard policy regarding compliance with state and local Clean Air Act Laws regulating VOC emissions and VOC content in paints, coatings, solvents adhesives and cleaners and prescribes procedures for handling the policy. It is intended for use by personnel who use or specify use of VOC materials including Commanding Offices and Supervisors, and those who make policy or resource decisions effecting the use of VOC materials.
2. DIRECTIVES AFFECTED. This instruction supersedes COMDTINST 10360.4 which is hereby cancelled.
3. DISCUSSION.
 - a. State and local governments which do not meet Environmental Protection Agency (EPA) Air Quality Standards for ozone are required by the Clean Air Act to enact laws which reduce hydrocarbon emission. Many of the laws (referred to as VOC Rules) control VOC emissions and VOC content in paints, coatings and other VOC materials. VOC Rules apply to local businesses as well as government facilities in the local area. All Coast Guard units within a district controlled by Clean Air Act regulations must comply with local VOC rules and regulations. Failure to comply with local VOC laws and regulations may result in citations from the local government or EPA and substantial fines.
 - b. VOC laws and regulations are pervasive and effect all coated products, adhesive assemblies and related materials like solvents used for cleaning. The laws and regulations prohibit the sale, possession and use of noncomplying VOC materials in the designated Air Quality Management District.

In addition, the laws and regulations require painters and personnel using other VOC materials to keep daily logs for consumption of all paints, solvents and other VOC materials. VOC laws and regulations also extend liability for Clean Air Act violations to any person who solicits or requires (either orally or in writing) any other person to use coatings which violate VOC limits.

- c. The EPA and the local Air Quality Management Boards make no distinction regarding the methods which an agency chooses to achieve compliance. The regulators simply require compliance. For example, an agency may make budgetary decisions to comply with air quality rules by reformulating coatings to reduce solvent emissions, if technically possible, or, alternatively, the agency may purchase catalytic incinerators to eliminate solvent emissions from paint sheds. Personnel at every organizational level should be aware of the need for compliance. The personnel entrusted with achieving compliance include those involved with policy, procedures, and the generation of EC&R or AC&I expenditures as their decisions may inadvertently predetermine the specification of noncomplying materials.
- d. Examples of VOC laws and regulations include: Marine Coating Operations Rules, Wood Flat Stock Coating Operations Rules, Coating of Metal Parts and Products Rules, Aerospace Assembly and Component Coating Operations Rules, Metal Container Coatings Operations Rules, Graphic Arts Rules, Wood Products, Motor Vehicle and Equipment Non-Assembly line Coating Operations Rules, Adhesives Applications Rules, Plastic Rubber and Glass Coatings Rules, Semiconductor and Electronics Manufacturing Rules, etc. Copies of the rules are available from local Air Quality Management Districts.

4. PROCEDURES

- a. MLC's shall acquire local VOC laws and regulations and provide copies and assistance (as required to comply with the regulations) to civilian and military personnel responsible for painting vessels, aircraft, facilities, ATON and other capital equipment. MLC's shall initiate a recordkeeping system for compliance with local VOC laws and regulations and require inspections to insure that all VOC containing materials in storage comply with local regulations. Noncomplying materials shall be disposed of as hazardous waste. VOC content of paints may be determined by contacting the manufacturer, or supplier (GSA or other) or by obtaining the Materials Safety Data Sheet (MSDS). Questions regarding VOC laws and regulations shall be resolved by contacting the local Air Quality Management Boards. b. Many of the coatings described by military and federal specifications listed in the Coatings and Color Manual are being reformulated for

compliance. Because the coatings are temporarily out of compliance with some VOC laws and regulations, MLC's (with Commandant (G-ENE) assistance) will provide an approved list of substitute commercial compliant coatings for noncomplying stock system coatings. To be acceptable, commercial coatings must be the same generic type and shall provide equal or better service. Substitution of coatings on buoys, vessels, and other Coast Guard wide equipment requires authorization by Commandant (G-ENE). Substitution of coatings on aircraft requires authorization by Commandant (G-EAE). As stock system coatings become compliant, then these will be issued Coast Guard wide and the corresponding approved commercial coatings will be dropped.

- c. Facilities which require noncompliant coatings shall work with the MLC's and apply for exemption or initiate a compliance plan. Units shall coordinate responses to violations through the MLC's and Commandant (G-ECV).
- d. All specifications which require paints, solvents, adhesives, or solvent cleaning shall contain the following language: "Contractors are required to comply with local VOC laws and regulations and shall have an acceptable VOC compliance plan. The plan shall demonstrate that the use of paints, solvents, adhesives and cleaners comply with local VOC laws and regulations governing VOC materials, and that all required permits have been obtained or will be obtained prior to starting work involving VOC's, in the air quality district in which the work will be performed. The compliance plan shall be submitted by the contractor prior to the start work. An acceptable compliance plan shall contain, as a minimum, a listing a each material subject to restrictions in the air quality management district in question, the rule governing its use, a description of the actions which the contractor will take, a description of the actions which the contractor will use to comply with the laws and regulations, and any changes in the status of compliance during the life of the contract. Alternatively, if no materials are subject to the restrictions in the air quality management district where the work will be performed, or if there are no restrictions, the compliance plan shall so state."
- e. Commercial VOC compliant paints, coatings, solvents, adhesives and cleaners may be proposed as a substitute for noncompliant VOC materials. Substitute VOC materials shall be the same generic variety as required by the specifications, provide equal or better service life, and be commonly accepted and specified for industrial applications which are identical to items required by the specifications. All requests for substitutions will be made through the contracting officer. Substitutions of coating on buoys, vessels and other Coast Guard wide equipment requires authorization by Commandant (G-ENE). Substitution of coatings on aircraft requires authorization by Commandant (G-EAE). Substitution of VOC materials, other than those listed above, requires authorization by the appropriate MLC division.

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- f. All technical personnel responsible for contract specifications and review of technical proposals shall audit required materials to determine if VOC content complies with local regulations.
 - g. Civilian and military personnel can be personally liable for violations of Clean Air Act laws and regulations. In order to avoid inadvertent liability for Clean Air Act violations, personnel should seek legal counsel when participating in activities which may directly or indirectly result in violations. These activities include determination of policy and procedure, technical and contractual decisions, and budget decisions which may have an impact on environmental compliance. For MLS's, districts, and field units, the legal POC are the MLC legal offices. At Headquarters, the legal POC is the appropriate division within G-L.
5. ACTION. Area and district commanders, commanders of maintenance and logistics commands, and unit commanding officers shall comply with the contents of this instruction.

/s/ P.A. BUNCH
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Logistics and Development